

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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DAVID JOSSELYN,)
Petitioner)
)
v.)
KATHLEEN DENNEHY)
Respondent)

CV # 04-10621-GAO

MOTION TO EXTEND TIME

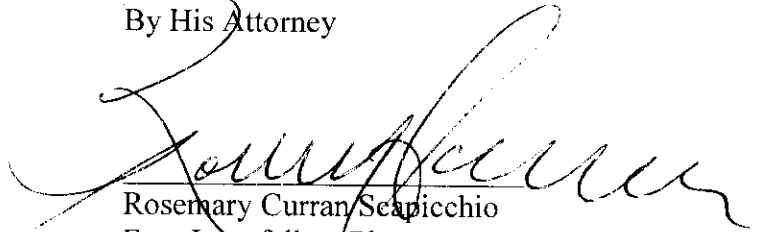
The petitioner, by and through counsel, Attorney Rosemary Curran Scapicchio, hereby requests that the Court extend the time within which he must respond to this Honorable Court's denial of petitioner's request for a stay. By this motion, the petitioner requests up to and including May 23, 2005 to file a response to the Court's March 10, 2005 order.

As grounds for the motion, the petitioner states as follows:

1. The United States Supreme Court issued its decision on Rhines v. Webber, No. 03-9046, on March 30, 2005. The decision is directly on point to petitioner's claim regarding "mixed" petitions, and counsel is evaluating the effect of the decision on petitioner's case.
2. Petitioner is evaluating Rhines v. Webber, and weighing whether or not to request new counsel from the Committee for Public Counsel Services (CPCS) on the assertion that counsel intentionally waived the unexhausted claims, based Judge O'Toole's Memorandum and Order.
3. Counsel for the petitioner begins a retrial on a two co-defendant first-degree murder in Suffolk Superior Court on April 22. The trial is expected to last at least two weeks.

WHEREFORE, the present motion should be allowed and an order should enter allowing the petitioner up to and including May 23, 2005 to respond to the Court's Memorandum and Order.

Respectfully Submitted,
DAVID JOSSELYN
By His Attorney



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by first class mail, postage prepaid or by hand delivery.

Dated: 4/15/05